

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TRIMBLE NAVIGATION LTD.,

Plaintiff,

No. C 03-1604 PJH

v.

RHS, INC., et al.,

Defendants.

**ORDER GRANTING IN PART
AND DENYING IN PART
ADMINISTRATIVE MOTION
TO ENLARGE TIME**

Before the court is defendants' motion to enlarge time for expert reports, expert discovery, and dispositive motions. Defendants seek to extend the current discovery, case management, and even trial date(s) by several weeks, arguing that in view of the court's prior order continuing until May 9 the hearing on the parties' joint claim construction, the parties and their experts need additional time in order to review and assimilate any claim construction ruling. Plaintiff opposes defendants' motion. It asserts that no good cause exists for the extension, since none of the prior discovery orders in effect provided either side with the benefit of a claim construction ruling before the exchange of expert reports or the filing of dispositive motions. In addition, plaintiff argues that defendants have failed to demonstrate that non-compliance with expert discovery or the filing of dispositive motions will occur notwithstanding defendants' diligence in complying, or that defendants diligently sought to amend the present discovery schedule beforehand. For the reasons below, the court hereby GRANTS defendants' motion in part, and DENIES the motion in part.

First, irrespective of whether they have made an appropriate showing of good cause, defendants have raised case management issues that give the court concern. Specifically, the court is concerned over its ability to provide the parties with an order on claim

1 construction in sufficient time for both parties to meaningfully incorporate the court's ruling
2 for purposes of filing dispositive motions. Both parties should have the greatest amount of
3 information available to them prior to filing dispositive motions. As such, and given that the
4 court unilaterally continued the hearing on the parties' joint claim construction, the court is
5 amenable to revising the current case management schedule, so that both sides may have
6 the ability to present fully developed and comprehensive arguments for summary
7 adjudication and/or judgment. For this reason, the court GRANTS defendants' motion.

8 Second, and notwithstanding the above, the court is not convinced that defendants'
9 proposed schedule – as set forth in the instant administrative motion – is either appropriate
10 or warranted. To the extent, therefore, that defendants seek to have the court adopt their
11 proposed case management schedule, the court DENIES the instant motion.

12 In order to address the issue and determine an appropriate schedule, the parties are
13 ORDERED to attend a further case management conference. The case management
14 conference will take place on **May 3, 2007**, at **2:30 p.m.**, in Courtroom 3, 17th Floor,
15 Federal Building, 450 Golden Gate Avenue, San Francisco, California. The parties are
16 instructed to meet and confer in advance of the case management conference, and to
17 attempt agreement upon a mutually acceptable case management schedule that (1) gives
18 the court a reasonable amount of time to issue its claim construction order prior to the
19 deadline for filing dispositive motions; and (2) anticipates a continued October 15, 2007 trial
20 date, with pretrial preparation to commence in mid-August.

21
22 **IT IS SO ORDERED.**

23 Dated: April 25, 2007



PHYLLIS J. HAMILTON
United States District Judge